

87th Legislative Session – 2012

Committee: House Judiciary

Wednesday, January 25, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman, Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 23, 2012

Moved by: Turbiville
Second by: Hansen (Jon)
Action: Prevailed by voice vote.

HB 1053: establish the hope card program relating to protection orders.

THE CHAIR DEFERRED HB 1053 UNTIL MONDAY, JANUARY 30, 2012

HB 1055: allow for joint physical custody orders after a court awards joint legal

custody if in the best interest of the child.

Presented by: Thomas Barnett Jr., SD State Bar
Proponents: Dianna Miller, SD Network Against Family Violence and Sexual Assault
Mitch Richter, SD Advocacy Network for Women

MOTION: DO PASS HB 1055

Moved by: Gibson
Second by: Gosch
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Turbiville, Gosch, Hunt

Voting No: Kopp, Nelson (Stace), Russell, Tornow

Excused: Feinstein

HB 1054: amend certain provisions concerning Worker's Compensation.

Presented by: Tom Barnett, State Bar Association of South Dakota
Proponents: Roger Tellinghuisen, SD Trial Lawyers, Rapid City
Mike Shaw, Property Casualty Insurance Association of America
James Marsh, Department of Labor and Regulation
Randy Moses, Department of Labor and Regulation
Opponents: David Owen, SD Chamber of Commerce and Industry
Julie Johnson, Self, Aberdeen
Bob O'Connell, Sioux Falls Area Chamber of Commerce
Dave Hewett, SD Association of Healthcare Organizations
Lindsey Riter-Rapp, National Federation of Independent Business
Deb Mortenson, Associated General Contractors of SD, Incorporated.
Shawn Lyons, SD Retailers Association
Michele Brich, SD Innkeepers Association
Bram Weidemaar, Self, Sioux Falls (On Conference Call)

MOTION: DO PASS HB 1054

Moved by: Gosch
Second by: Turbiville
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1054

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On page 2 of the printed bill, delete lines 2 to 4, inclusive.

Moved by: Feinstein
Second by: Gibson
Action: Failed by roll call vote. (4-9-0-0)

Voting Yes: Feinstein, Kopp, Nelson (Stace), Russell

Voting No: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Tornow, Turbiville, Gosch, Hunt

MOTION: SUBSTITUTE MOTION DEFER HB 1054 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow

Voting No: Gibson, Killer, Turbiville, Gosch, Hunt

HB 1065: repeal the requirement that the Unified Judicial System set forth a schedule for all fees paid directly to court reporters in its annual consolidated budget.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1065

Moved by: Abdallah
Second by: Gosch
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Tornow, Turbiville, Gosch, Hunt

Voting No: Nelson (Stace), Russell

SB 12: codify the legislation enacted in 2011.

Presented by: Doug Decker, Code Commission

MOTION: DO PASS SB 12

Moved by: Gibson

Second by: Hansen (Jon)

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Abdallah

MOTION: PLACE SB 12 ON CONSENT CALENDAR

Moved by: Hansen (Jon)

Second by: Gibson

Action: Prevailed by voice vote.

Gavel passed to Vice-Chair.

HB 1096: specify the venue for certain appeals involving home-rule municipalities.

Presented by: Representative Roger Hunt

Proponents: Larry Nelson, SD Municipal League

MOTION: DO PASS HB 1096

Moved by: Russell

Second by: Hansen (Jon)

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

MOTION: PLACE HB 1096 ON CONSENT CALENDAR

Moved by: Russell

Action: Died for lack of a second.

HB 1095: revise the procedure for the discharge of civil judgments against a person who has received a discharge of debt pursuant to the United States Code, Title 11.

Presented by: Representative Roger Hunt

MOTION: DO PASS HB 1095

Moved by: Turbiville
Second by: Hansen (Jon)
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

MOTION: PLACE HB 1095 ON CONSENT CALENDAR

Moved by: Hansen (Jon)
Action: Died for lack of a second.

Gavel was returned to Chair.

HB 1053: establish the hope card program relating to protection orders.

THE CHAIR DEFERRED HB 1053 UNTIL ANOTHER DAY

MOTION: ADJOURN

Moved by: Turbiville
Second by: Gibson
Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Roger W. Hunt, Chair